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Washington, D.C. 20036-4505****FACSIMILE COVER SHEET****TO:**

Name: Rob Wilson Chief Investigation and Compliance Division Veterans' Employment and Training Service (VETS)	
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FROM:

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U.S. OFFICE OF SPECIAL COUNSEL

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The Special Counsel

April 9, 2007

Robert Wilson, Chief
Division of Investigation and Compliance
Veterans' Employment and Training Service
U.S. Department of Labor
Room S-1316
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Via facsimile transmission to (202) 693-4755

Re: Request for Comments to VETS/USERRA/VEOA Form 1010

Dear Mr. Wilson:

This letter is in response to the request for public comments and recommendations published by the U.S. Department of Labor, Veterans' Employment and Training Service (VETS), in the Thursday, February 15, 2007, edition of the Federal Register (Volume 72, Number 31). The Federal Register notice solicits comments to proposed amendments to the form currently utilized by VETS to receive service member complaints, namely: the VETS/USERRA/VEOA Form 1010. I welcome the opportunity to comment thereon.

The primary mission of the U.S. Office of Special Counsel (OSC) is to protect the federal merit system. An important part of that mission is the zealous enforcement of the employment and reemployment rights of veterans and service members. As the Special Counsel, I am especially committed to protecting those rights by prosecuting violations of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. § 4301, et seq., and by seeking disciplinary action under 5 U.S.C. § 2302 (b)(11) in appropriate cases against those federal managers who knowingly take, recommend, or approve personnel actions (or fail to do so) that violate veterans' preference laws, rules, or regulations.

As you know, OSC works closely with VETS to protect the rights of veterans and service members in connection with federal sector USERRA claims and Veterans Employment Opportunities Act of 1998 (VEOA) claims warranting disciplinary action. Given our long-standing, successful partnership in jointly enforcing the statutes that protect veterans and service members, I strongly recommend that the VETS/USERRA/VEOA Form 1010 be amended to include an additional "Yes or No" question:

Was the U.S. Office of Special Counsel (OSC) involved, or will OSC be involved, in handling a related prohibited personnel practice claim?

The Special Counsel

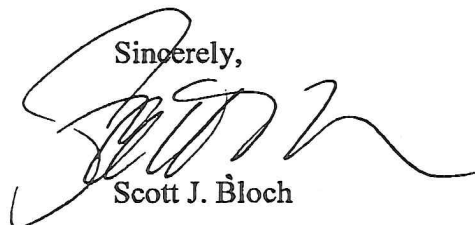
A service member's response to that question will enhance the quality, clarity, and utility of the information collected by VETS and, thereby, allow VETS to provide additional guidance to claimants. For example, an affirmative response will alert VETS to query claimants who have or may have employment claims arising under 5 U.S.C. § 2302(b), i.e., the statute embodying important employment protections over which OSC has exclusive jurisdiction to investigate. In turn, VETS can provide important information to service members about prohibited personnel practices. Additionally, for service members who may be unaware or not fully informed of their rights under section 2302(b), the question will prompt service members to ask VETS about prohibited personnel practices. In response to such inquiries, VETS can provide appropriate information or, at a minimum, simply provide the service member with OSC's web site address (www.osc.gov) and toll-free customer service number (800 872-9855).

According to my staff, a claimant's answering of the recommended question does not impact the burden hours to complete the form. Indeed, OSC solicits the same information from service members in order to better protect veterans and service members' employment rights over which VETS has exclusive authority to investigate. Specifically, OSC's intake forms ask whether the service member has filed a claim with VETS. OSC has found the information obtained enhances the customer service OSC it provides to service member. For example, in those cases where the claimant has not clearly indicated that he or she has filed a related claim with VETS, OSC informs the claimant how to file a claim with VETS and, further, alerts the claimant of the need to file a VEOA claim with VETS within 60 days of the alleged violation.

I view providing such assistance to veterans and service members as an important part of protecting their overall federal employment and reemployment rights. Therefore, I am confident that the additional "Yes or No" question that I have recommended will likewise enable VETS to accomplish its mission of assisting veterans and service members to succeed in the 21st century workforce by maximizing their knowledge of their federal employment rights. Based on the good work that VETS accomplishes, I know that you will seize the opportunity to protect further the employment rights of veterans and service members by adding the additional question to your VETS/USERRA/VEOA Form 1010.

Thank you for receiving and considering my recommendation. If you have any questions, please telephone me at (202) 254-3600.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Bloch", written over a horizontal line.

Scott J. Bloch